

Message Text

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ACTION ACDA-10

INFO OCT-01 AF-06 ARA-06 EA-07 EUR-12 NEA-10 IO-10 ISO-00

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 6707

INFO USERDA GERMANTOWN PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY PARIS

C O N F I D E N T I A L IAEA VIENNA 9694

PASS IO/SCT

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA, FR, KS

SUBJECT: FRANCE/ROK/IAEA TRILATERAL SAFEGUARDS AGREEMENT

REF: A) STATE 268479 NOTAL; B) STATE 222087 NOTAL:

C) IAEA VIENNA 8064

1. PARA 9 REFTEL (A) REFERS TO "LANGUAGE FLAW" IN FRENCH-ROK-IAEA SAFEGUARDS AGREEMENT; NAMELY, THAT LANGUAGE MIGHT BE INTERPRETED TO EFFECT THAT PROVISIONS RE SAFEGUARDS IN REPLICATED FACILITIES ONLY COME INTO EFFECT IF THE TECHNOLOGY SUPPLIED TO FIRST FACILITY IS AN ESSENTIAL ELEMENT TO DESIGN, CONSTRUCTION OR OPERATION OF THAT FACILITY.

2. MISSION HAS JUST OBTAINED WORDING OF SUMMARY OF RELEVANT STATEMENT BY FRENCH GOV GOLDSCHMIDT AT SEPTEMBER 19 IAEA BOARD GOVS MEETING, REFERRED TO BRIEFLY IN PARA 17 REFTEL (C), AS THAT STATEMENT WILL APPEAR IN OFFICIAL RECORD OF MEETING. (DOCUMENT IS DUE TO BE ISSUED MOMENTARILY AS GOV/OR.482.) SUMMARY READS:
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QUOTE. IN DECIDING TO DRAW UP THE TEXT IN QUESTION

WITH THE REPUBLIC OF KOREA, HIS GOVERNMENT HAD ENCOUNTERED NEW PROBLEMS, BECAUSE OF WHICH IT HAD BEEN OBLIGED TO REQUEST THE REPUBLIC TO HAVE A SPECIAL CLAUSE INCLUDED. THE OBJECT OF THE AGREEMENT WAS THE TRANSFER OF TECHNOLOGY ON PLUTONIUM EXTRACTION AND IT WAS THE FIRST TIME THAT SUCH AN AGREEMENT WAS BEING SUBMITTED TO THE AGENCY. FURTHERMORE, FRANCE, HE BELIEVED, WAS THE ONLY COUNTRY TO CEDE THE FULL PLANS OF A NUCLEAR FACILITY OF THE TYPE IN QUESTION TO A SECOND COUNTRY. THE TECHNIQUES INVOLVED WERE VERY DIFFICULT ONES BUT, ONCE THE FACILITY WAS BUILT, IT WAS EASY TO CONSTRUCT ANOTHER OF THE SAME TYPE. THAT WAS WHY FRANCE, IN AGREEING TO ASSIST KOREA IN THE CONSTRUCTION OF THAT TYPE OF FACILITY, HAD REQUESTED THAT A CLAUSE SHOULD BE INCLUDED IN THE AGREEMENT TO THE EFFECT THAT, IF ADDITIONAL FACILITIES FOR REPROCESSING IRRADIATED FUEL WERE BUILT BY KOREA, THEY WOULD ALSO BE PLACED UNDER AGENCY SAFEGUARDS SINCE THEY WOULD INEVITABLY BE IMPREGNATED WITH THE TECHNOLOGY OF THE FIRST FACILITY. IT WAS NOT THE INTENTION OF HIS GOVERNMENT TO APPLY THAT CLAUSE SAVE IN THE TWO MOST DELICATE AREAS, NAMELY, IRRADIATED FUEL PROCESSING AND ISOTOPE SEPARATION. ACCORDINGLY, THE DRAFT AGREEMENT IN QUESTION DID INTRODUCE A NEW CONCEPT BUT ONLY TO THE EXTENT THAT A NEW TYPE OF ASSISTANCE WAS INVOLVED. UNQUOTE.

3. FOREGOING RECORD, UNCHALLENGED BY OTHER PARTIES TO AGREEMENT (ROK AND IAEA), ESTABLISHES CLEAR INTERPRETATION OF LANGUAGE USED IN THAT AGREEMENT. INTERPRETATION OF "INEVITABLE IMPREGNATION" GOES WELL BEYOND FORMULA PROPOSED IN PARA 9 REFTTEL (A), SINCE RECORD DOES NOT LIMIT ADDITIONAL PLANTS TO THOSE BASED UPON SAME GENERAL PROCESS (E.G. SOLVENT EXTRACTION). IT IS ALSO IMPORTANT TO NOTE THAT KEY PHRASE, REFERRING TO ADDITIONAL FACILITIES, WAS DRAFTED BY FRENCH AS SUBSTITUTE FOR SECRETARIAT'S PHRASE IN PROVISIONAL RECORD WHICH REFERRED TO THOSE "BASED ON THE TECHNOLOGY OF THE FIRST FACILITY".

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4. MISSION CONSIDERS THAT PREVIOUS CONCERNS RE POSSIBLE INTERPRETATION OF RELEVANT LANGUAGE FRENCH-ROK-IAEA AGREEMENT HAVE BEEN FULLY MET BY GOLDSCHMIDT, WHO UNDOUBTEDLY WAS INFLUENCED BY CONSULTATIONS WITH FRENCH PRIOR TO SEPT. BOARD.

5. HAVING GIVEN GOLDSCHMIDT HIS DUE, MISSION DOES NOT INTEND SUGGEST THAT DIFFERENT FORMULATION FOR SIMILAR

PROVISION IN OTHER AGREEMENTS, SUCH AS PROPOSED
PARA 9 REFTEL (A) IS UNNECESSARY. WE DO SUGGEST THAT, IF
FRG RESISTS IMPROVED FORMULA USING ARGUMENT
THAT LANGUAGE IN FRENCH-ROK TRILATERAL IS ADEQUATE
PRECEDENT, THAT FRG BE INFORMED THAT PRECEDENT INCLUDES
GOLDSCHMIDT INTERPRETATION, WHICH FRG WOULD BE
EXPECTED TO ADOPT IN BOARD IF FRENCH-ROK FORMULA USED.LABOWITZ

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